

CITY PLANNING COMMISSION

September 23, 1992/Calendar No. 23

C 920072 ZSK

IN THE MATTER OF an application submitted by Asher J. Scharf, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-86 of the Zoning Resolution to allow an outdoor swimming pool, which will be an accessory use to a multiple dwelling, to be located less than 100 feet from any lot line and waive or reduce the requirement that such pool be located not less than 50 feet from any lot line on property located at 4800-4816 Bedford Avenue (Block 8784, Lots 56, 58, 62, 70, 81, 83, 85), within the Special Sheepshead Bay District (Area E), Borough of Brooklyn, Community District 15.

The application for the grant of a special permit, was filed by Asher J. Scharf on August 29, 1991, to allow an outdoor swimming pool accessory to a multiple dwelling to be located less than 100 feet from any lot line and waive or reduce the requirement that such pool be located not less than 50 feet from any lot line, within the Special Sheepshead Bay District, Community Board 15, Borough of Brooklyn.

BACKGROUND

The site is located at 4800-4816 Bedford Avenue, occupying the entire block bounded by Bedford Avenue, Emmons Avenue, East 23rd Street and the southern service road of the Shore Parkway (a. k. a. Leif Ericson Drive). Marina Court, a new three-story, 54-unit unoccupied condominium development, to which the proposed outdoor pool would be accessory, is located on the site. The site is located within the Special Sheepshead Bay District and is within a R5 zoning district, with a C2-2 overlay.

The application requests a reduction of the required distance of

the proposed pool from the lot lines of the property. Section 74-86 of the Zoning Resolution requires that the pool be located not less than 50 feet from any lot line. The proposed 24 by 30 foot irregularly-shaped pool will be located 10 feet from the lot lines along East 23rd Street and the south service road of the Shore Parkway.

Immediately west across East 23rd Street there are two vacant lots and a partially constructed one-story commercial building on the northwest corner of Emmons Avenue and East 23rd Street. There are no other structures along the Shore Parkway service road facing the proposed pool property.

The housing development, to which the proposed swimming pool is accessory, received a certification from the City Planning Commission (N890642 ZCK, January 1988), pursuant to Section 94-13 of the Zoning Resolution. This section of the Special Sheepshead Bay District requires that the developments in the Special District include a plaza abutting Emmons Avenue. The plaza, open to the public, is a five foot sidewalk extension area on Emmons Avenue and Bedford Avenue, with landscaping. Having complied with these mandatory provisions, the development was eligible to receive a floor area bonus for providing a plaza. Marina Court provided a 4,100 square-foot plaza and was granted a 11,000 square foot floor area bonus. The pool is not located within the plaza.

ENVIRONMENTAL REVIEW

This application was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et. seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977.

This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 920072 ZSK) was certified as complete by the Department of City Planning on June 8, 1992, and was duly referred to Community Board 15 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 15 held a public hearing on this application on July 7, 1992, and on that date, by a vote of 21 to 0 with 1 abstentions, adopted a resolution recommending approval of the application.

However, the recommendation was voted on without a quorum of the community board and was therefore non-complying.

Borough President Recommendation

This application was considered by the Office of the President of the Borough of Brooklyn, which issued a recommendation approving the action on July 29, 1992.

City Planning Commission Public Hearing

On August 5, 1992 (Calendar No. 4), the City Planning Commission scheduled August 19, 1992, for a public hearing on this application (C 920072 ZSK). The hearing was duly held on August 19, 1992. (Calendar No. 10). There were no speakers, and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 91-147.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the grant of this special permit is

appropriate.

The Commission believes that the pool will not impair the essential character of the residential neighborhood. The frontage which would be most impacted by the pool is the north side of the Shore Parkway South Service Road, where an embankment separates the service road from the Shore Parkway, and the west side of East 23rd Street which currently contains two vacant lots and a partially completed commercial building. While there are no construction plans for the vacant lots, the regulations of the Special Sheepshead Bay District, allow lots to be developed for residential and/or commercial uses and to a height of six stories or 75 feet, whichever is less.

The Commission notes that the swimming pool will be screened by a six foot high wooden perimeter fence, which will be covered on the outside with ivy, along the lot lines on East 23rd Street and the Shore Parkway South Service Road. Because the pool is located more than 100 feet from the other two lot lines, at Bedford Avenue and at Emmons Avenue, it is not required to be screened from the areas adjoining these lot lines.

The Commission believes that the design of the pool and the fence provides a suitable buffer between adjacent buildings and the street. There are no residential structures in the immediate vicinity of the proposed pool. However, the proposed screening

should operate as a suitable buffer obscuring the pool from any residential structures which should be developed in the future. Therefore, the Commission believes that the requested action is appropriate and that no additional conditions are necessary.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-86 of the Zoning Resolution:

- a.) That the proposed pool will not impair the essential character of the residential neighborhood;
- b.) That the proposed screening will operate as a suitable buffer making it possible for the minimum distance of 50 feet from any lot line to be reduced.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections

197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of Asher J. Scharf for the grant of a special permit pursuant to Section 74-86 of the Zoning Resolution to allow an outdoor swimming pool, which will be an accessory use to a multiple dwelling, to be located less than 100 feet from any lot line and waive or reduce the requirement that such pool be located not less than 50 feet from any lot line on property located at 4800-4816 Bedford Avenue (Block 8784, Lots 56, 58, 62, 70, 81, 83, 85), within the Special Sheepshead Bay District, (Area E), Borough of Brooklyn, Community Board 15, is approved, pursuant to Section 74-86 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 920072 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by Harold Weinberg, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-1	Site Plan	June 5, 1992

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning

computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms, or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission of the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

5. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The resolution (C 920072 ZMK), duly adopted by the City Planning Commission on September 23, 1992 (Calendar No. 23), is filed with the Office of the Speaker, City Council and the Brooklyn Borough President, together with a copy of the plans of the development, pursuant to Section 74-10 of the Zoning Resolution and in accordance with the requirements of Section 197-d of the New York City Charter.

RICHARD L. SCHAFFER, Chairman

VICTOR G. ALICEA, Vice-Chairperson

EUGENIE L. BIRCH, A.I.C.P., AMANDA M. BURDEN, A.I.C.P., ANTHONY GIACOBBE, BRENDA LEVIN, JOEL A. MIELE, SR., P.E.,

RONALD SHIFFMAN, A.I.C.P., Commissioners

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # 920072 ZSK

orig. L. Ponce
c. Brooklyn office
J. Edwards
J. Sperling

DOCKET DESCRIPTION

IN THE MATTER of an application submitted by Asher J. Sharf pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-86 of the Zoning Resolution to allow an outdoor swimming pool, which will be an accessory use to a multiple dwelling, to be located less than 100 feet from any lot line and waive or reduce the requirement that such pool be located not less than 50 feet from any lot line on property located at 4800-4816 Bedford Avenue (Block 8784, Lots 56, 58, 62, 70, 81, 83,85), within the Special Sheepshead Bay District (Area E), Borough of Brooklyn, Community District 15.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

COMMUNITY BOARD NO. 15
BOROUGH Brooklyn

BOROUGH BOARD CB 15 B'KLYN

DATE OF PUBLIC HEARING 7-7-92
WAS QUORUM PRESENT? YES NO

LOCATION KCC 2001 ORIENTAL BLVD

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE 7-7-92

LOCATION KCC 2001 ORIENTAL BLVD.

RECOMMENDATION

21 APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
-0- DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

Community Board meetings are not scheduled during July and August. During this period the Executive Board (Officers & Executive Committee) is empowered to act on behalf of the Community Board. An Executive Board meeting was held immediately after the Public Hearing, and voted unanimously in favor of this application.

160 = 10/13

CITY PLANNING COMMISSION
92 JUL 15 PM 2:05
DEPT. OF CITY PLANNING

VOTING
IN FAVOR 21 AGAINST -0- ABSTAINING -1-

TOTAL MEMBERS/APPOINTED TO BOARD _____

COMMUNITY/BOROUGH BOARD OFFICER

DATE

TITLE

Borough President Recommendation

CITY PLANNING COMMISSION
22 Rensselaer Street, New York, NY 10007
FAX # (212) 720-3250

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 26 of the above address.

2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # **920072 ZSK**
DOCKET DESCRIPTION

*orig: J. Perles
c: Brooklyn office
J. Edwards
J. Sperling*

IN THE MATTER of an application submitted by Asher J. Shart pursuant to Sections 197-C and 201 of the New York City Charter for the grant of a special permit pursuant to Section 76.04 of the Zoning Resolution to allow an outdoor swimming pool, which will be an accessory use to a multiple dwelling, to be located less than 100 feet from any lot line and waive or reduce the requirement that such pool be located not less than 50 feet from any lot line on property located at 1000-1016 Bedford Avenue (Block 8784, Lots 56, 58, 62, 70, 81, 83, 85), within the Special Southampton Bay District (Area B), Borough of Brooklyn, Community District 15.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3M, 22 Rensselaer Street, New York, N.Y. 10007.

COMMUNITY BOARD NO. **15**

BOROUGH **BROOKLYN**

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE

EXPLANATION OF RECOMMENDATION - MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

SEE ATTACHED RECOMMENDATION REPORT

Edward Golden
BOROUGH PRESIDENT

07/29/92

DATE

SHEEPSHEAD BAY SWIMMING POOL**(920072 ZSK)****RECOMMENDATION REPORT BY THE PRESIDENT
OF THE BOROUGH OF BROOKLYN****Background**

E.B.A. Realty Associates, a private firm, requests approval for the granting of a special permit to allow the construction of an outdoor accessory swimming pool on private property which also contains a three story building that provides 54 condominium apartments. The site is located at 4800-4816 Bedford Avenue, occupying the entire block bounded by Bedford and Emmons Avenues, East 23rd Street and the southern service road of the Shore Parkway (a.k.a. - Leif Ericson Drive). Immediately south of Emmons Avenue is Sheepshead Bay. The site is also fully located within a C2-2 zone within a larger R5 zoning district, and is also within the Sheepshead Bay Special Zoning District of Community District 15.

In addition to the special permit application pursuant to Section 74 86 of the Zoning Resolution, the applicant requests a waiver or reduction of the section's required spacing of the proposed pool to the respective legal lot lines of the property. The applicable zoning ordinance requires a separating distance of "not less than 50 feet from any lot line" from the proposed 24 by 30-foot irregularly-shaped pool.

Submitted plans and drawings indicate that the average separation of the proposed pool to the legal lot lines, will only be approximately 10 feet.

Borough President's Public Hearing

On July 21, 1992, the Borough President held a public hearing on this application. There was one speaker, a consultant to the applicant, who spoke in favor of the application.

The speaker gave a brief description of the proposed property improvement and its compliance with the various applicable zoning and building code ordinances. The proposed swimming pool will be entirely screened by a six foot high wooden opaque fence covered with ivy vegetation. The pool will only function from May to September due to weather conditions.

Consideration

On July 7, 1992, Community Board 15 recommended approval of this application without stipulating any conditions. Also on this date, representatives of the Office of the Borough President inspected the proposed site and its surrounding area.

Immediately west across East 23rd Street from the proposed pool site, are a currently stalled development to construct one-story stores and a heavily overgrown vacant lot. This vacant lot may be developed for residential purposes, possibly to a similar three-story height as the

condominium building that the proposed pool is accessory to, however, no such plans have yet to come forward.

Other provisions within the applicable sections of the Zoning Resolution require suitable screening of the pool to prevent observation from adjacent or nearby properties. The design and siting of the proposed pool, along with ample screening - a six foot high wooden perimeter fence covered with ivy vegetation and the absence of other residential uses in proximity to the proposed pool, ably prevents observation of the pool or its users.

The developer of this condominium development of which the proposed pool is accessory to, has indicated some difficulty in selling these uncompleted and unoccupied apartments. The Borough President supports the developer's efforts to enhance the overall marketability of these apartments, and therefore recommends approval of this application.

Recommendation

Whereas, on July 7, 1992, Community Board 15 recommended approval of this application;

Whereas, on July 7, 1992, representatives from the Office of the Brooklyn Borough President inspected the proposed site and viewed no adverse effects resulting from the proposed development of an outdoor accessory;

Whereas, it is the policy of the President of the Borough of Brooklyn to encourage and support the development of moderate income and market rate housing throughout the Borough;

Whereas, the proposed pool will enhance the marketability of the 54 unoccupied condominium apartments; now therefore be it

Resolved, that the President of the Borough of Brooklyn, pursuant to Sections 197-c and 201 of the New York City Charter that, based on the consideration described in this report, recommends approval of this application (920072 ZSK).


Howard Golden, President of
the Borough of Brooklyn

Community/Borough Board
Recommendation

22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

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2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # 920072 ZSK

orig. J. Farver
c: Brooklyn office
J. Edwards
J. Sperling

DOCKET DESCRIPTION

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Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

COMMUNITY BOARD NO. 15
BOROUGH Brooklyn

BOROUGH BOARD CB 15 B'KLYN

DATE OF PUBLIC HEARING 7-7-92
WAS QUORUM PRESENT? YES NO

LOCATION KCC 2001 ORIENTAL BLVD.

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN
DATE 7-7-92

LOCATION KCC 2001 ORIENTAL BLVD.

RECOMMENDATION

21 APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
-0- DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

Community Board meetings are not scheduled during July and August. During this period the Executive Board (Officers & Executive Committee) is empowered to act on behalf of the Community Board. An Executive Board meeting was held immediately after the Public Hearing, and voted unanimously in favor of this application.

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DEPT. OF CITY PLANNING

VOTING

IN FAVOR 21 AGAINST -0- ABSTAINING -1-

TOTAL MEMBERS APPOINTED TO BOARD _____

COMMUNITY/BOROUGH BOARD OFFICER

DATE

TITLE